

Appln. No.: 10/612,283  
Amendment Dated: Nov. 14, 2008  
Reply to Office Action dated August 14, 2008

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Remarks/Arguments

Claims 3 and 12 have been canceled, and claims 1, 2, 4-11, and 13-18 have been amended. Applicants reserve the right to pursue the original claims and other claims in this application and other applications. Claims 1, 2, 4-11 and 13-18 are pending in this application.

Claims 1-3 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claim 1 has been amended such that the process transforms underlying subject matter, i.e., packages are assembled. Applicants respectfully submit that all claims are directed to statutory subject matter.

Claims 17 and 18 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 17 and 18 have been amended to address the Examiner's concerns. Applicants respectfully submit that all claims are in compliance with 35 U.S.C. §112.

Claims 1, 3-5, 9, 10, 12-14 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keong (US 2005/0102203) in view of Bruns (US 2004/0107151). Claims 2 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keong in view of Bruns in further view of Official Notice considered admitted prior art. Claims 6, 7, 15 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keong in view of Bruns in further view of Farmer (US 2,276,293). Claims 8 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keong in view of Bruns and Farmer in further view of Official Notice considered admitted prior art. Reconsideration is respectfully requested.

Claim 1 as amended is directed to a method for automatically selecting and packaging items for mailing that comprises "storing item characteristics for a plurality of items, the item characteristics including at least one of a weight and a thickness of each of the plurality of items; receiving an order specifying a plurality of items for a shipment; storing a list comprising identifiers corresponding to the plurality of items specified in

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the order; determining, based on the identifiers and the stored item characteristics corresponding to the identifiers, at least one of a total weight and total thickness for the plurality of items specified in the order; comparing the at least one of the total weight and total thickness to at least one of a maximum weight and maximum thickness allowable for a postal class that will be used for mailing the shipment; determining a number of packages required for the shipment and which items of the order will be contained in each package such that the at least one of the total weight and total thickness of each package will be less than the at least one of the maximum weight and maximum thickness allowable for the postal class that will be used for mailing the shipment; and assembling the determined number of packages."

Keong, in contrast, is directed to an order-handling inventory management system for products that includes a database containing information about the products, including availability and location of the products, and physical aspects of the products, including one or more of length, width, thickness volume or weight. A radio frequency subsystem is adapted to detect radio-frequency identifiers that are attached to the products stored in one or more storage sites. An order-receiving-processing subsystem receives orders for products and ascertains from the database the availability and location of the products in the storage sites, which uses the radio frequency subsystem to detect the actual products within the storage site. The order-receiving-processing subsystem may be operatively adapted to select a minimum sized package capable of containing the product or products based on the information on the physical aspects of each product or products in the order. More specifically, using the physical information of each product in the customer's order, the order-receiving-processing subsystem calculates the total volume of the customer's order. This calculation enables the system to match the order with a minimum-sized box that is necessary to contain the order, avoiding the situation where unnecessarily large packages are used to ship small amounts of product. As a result, the shipping cost for delivering a single package containing the entirety of the customer's order can be minimized.

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Thus, the system in Keong simply selects a minimum sized package necessary to hold the customer's order. There is no disclosure, teaching or suggestion in Keong of "comparing the at least one of the total weight and total thickness to at least one of a maximum weight and maximum thickness allowable for a postal class that will be used for mailing the shipment" as is recited in claim 1. The system in Keong does not make any comparison of the total weight or total thickness of the order to a maximum weight or maximum thickness allowable for a postal class that will be used for mailing the shipment. The system in Keong simply selects the smallest box that can be used to ship the entire order, regardless of whether or not the parameters of the box are within the desired class of service that will be used for mailing the shipment.

Furthermore, there is no disclosure, teaching or suggestion in Keong of "determining a number of packages required for the shipment and which items of the order will be contained in each package such that the at least one of the total weight and total thickness of each package will be less than the at least one of the maximum weight and maximum thickness allowable for the postal class that will be used for mailing the shipment" as is recited in claim 1. The system in Keong selects only a single package -- the smallest sized package that can hold the complete order. The selection of a package size in Keong is not based in any manner on at least one of the maximum weight and maximum thickness allowable for the postal class that will be used for mailing the shipment as in the present invention.

The reference to Bruns does not cure the above deficiencies. Bruns is directed to a method for splitting a line item in an order so that the line item is not pending an available quantity or available capacity that matches the line item requirements. For example, a line item may exceed the amount of material available or the amount of capacity for shipment. In such cases, the line item will be split into increments such that the amount of material available or the amount of capacity for shipment is not exceeded.

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There is no disclosure, teaching or suggestion in Bruns of "comparing the at least one of the total weight and total thickness to at least one of a maximum weight and maximum thickness allowable for a postal class that will be used for mailing the shipment" as is recited in claim 1. The system in Bruns does not make any comparison of the total weight or total thickness of the order to a maximum weight or maximum thickness allowable for a postal class that will be used for mailing the shipment. The system in Bruns does not utilize in any manner a maximum weight or maximum thickness allowable for a postal class that will be used for mailing a shipment.

Furthermore, there is no disclosure, teaching or suggestion in Bruns of "determining a number of packages required for the shipment and which items of the order will be contained in each package such that the at least one of the total weight and total thickness of each package will be less than the at least one of the maximum weight and maximum thickness allowable for the postal class that will be used for mailing the shipment" as is recited in claim 1. The system in Bruns does not select a package size based in any manner on at least one of the maximum weight and maximum thickness allowable for the postal class that will be used for mailing the shipment as in the present invention.

Neither Keong nor Bruns, either alone or in combination, disclose teach or suggest the limitations of "comparing the at least one of the total weight and total thickness to at least one of a maximum weight and maximum thickness allowable for a postal class that will be used for mailing the shipment" or "determining a number of packages required for the shipment and which items of the order will be contained in each package such that the at least one of the total weight and total thickness of each package will be less than the at least one of the maximum weight and maximum thickness allowable for the postal class that will be used for mailing the shipment" as are recited in claim 1. For at least the above reasons, Applicants respectfully submit that claim 1 as amended is allowable over the prior art of record. Claims 4, 5, and 9, dependent upon claim 1, are allowable along with claim 1 and on their own merits.

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The reference to Farmer and the Official Notice do not cure any of the above deficiencies with respect to claim 1, as they were relied upon for other features. Claims 2 and 6-8, dependent upon claim 1, are allowable along with claim 1 and on their own merits.

Claims 10 as amended includes limitations substantially similar to those of claim 1. For the same reasons given above with respect to claim 1, Applicants respectfully submit that claim 10 as amended is allowable over the prior art of record. Claims 13, 14 and 18, dependent upon claim 10, are allowable along with claim 10 and on their own merits.

The reference to Farmer and the Official Notice do not cure any of the above deficiencies with respect to claim 10, as they were relied upon for other features. Claims 11 and 15-17, dependent upon claim 10, are allowable along with claim 10 and on their own merits.

In view of the foregoing amendments and remarks, it is respectfully submitted that the claims of this application are now in a condition for allowance and favorable action thereon is requested.

Respectfully submitted,

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